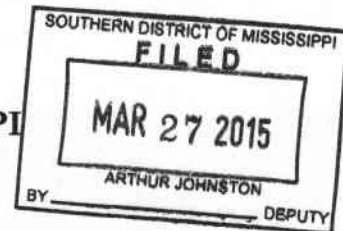


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION



HOWARD INDUSTRIES, INC., )

Plaintiff, )

v. )

Civil Action Number: 2:15-cv-38-KS-MTP

TERRY RIDGEWAY et al., )

Defendants. )

NOTICE OF REMOVAL BY DEFENDANT  
INLINE ELECTRIC SUPPLY COMPANY, INC.

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Inline Electric Supply Company, Inc. ("Inline"), removes this action from the Chancery Court of the First Judicial District, Jones County, Mississippi, where it is currently pending as Case Action Number: 2015-0044E, to the United States District Court for the Southern District of Mississippi, Hattiesburg Division. As grounds for removal, Inline states:

1. Plaintiff Howard Industries, Inc., commenced this action by filing a complaint on February 26, 2015, in the Chancery Court of the First Judicial District, Jones County, Mississippi, against Inline and co-defendants Terry Ridgeway and Beth Ezell.

2. Inline was served with copies of the summons and complaint by process server on March 11, 2015. The removal of this action is therefore timely under 28 U.S.C. § 1446(b) because this notice of removal was filed within 30 days of the date that Inline was served.

3. Inline has removed this action on the basis of diversity jurisdiction. Plaintiff is a corporation organized and existing under the laws of the state of Mississippi, with its principal place of business in Jones County, Mississippi. (Compl., ¶ 1). Ridgeway and Ezell are individual citizens of the State of Alabama. (Id. at ¶¶ 2-3). Inline is a corporation organized and existing under the laws of the state of Alabama, with its principal place of business in Madison County, Alabama, and is therefore a citizen of the State of Alabama. (Id. at ¶ 4). Plaintiff seeks monetary damages in the amount of \$9,000,000.00. (Id. at ¶¶ (c) through (g) of *ad damnum* clause).

4. As the jurisdictional facts alleged in plaintiff's complaint plainly show, complete diversity of citizenship exists between the parties. See 28 U.S.C. § 1332(c)(1) (stating a corporation is a citizen of every state by which it has been incorporated and where it has its principal place of business). That is, plaintiff is a citizen of the state Mississippi and defendants are all citizens of the state of Alabama. Furthermore, the amount in controversy exceeds the jurisdictional limit for diversity jurisdiction. Id. at (a)(1). Accordingly, the Court's diversity jurisdiction is invoked under 28 U.S.C. § 1332. As such, the removal of this action is proper pursuant to 28 U.S.C. § 1441(b).

5. As of the date of this notice of removal, the only named and served defendants in this action are Inline, Ridgeway, and Ezell. Ridgeway and Ezell will consent to the removal of this action; thus, the unanimity requirement of 28 U.S.C. § 1446 is satisfied.

6. In accordance with 28 U.S.C. § 1446(a) and Local Uniform Civil Rule 5(b), Inline has attached as exhibit A a true and correct copy of the entire state court record, including, but not limited to, all process, pleadings, and orders which were served upon it while this action was pending in the Chancery Court of the First Judicial District, Jones County, Mississippi.

7. Additionally, in accordance with 28 U.S.C. § 1446(d), Inline will promptly provide written notice to all adverse parties of the removal of this action and file a copy of this notice of removal with the Clerk of the Chancery Court of the First Judicial District, Jones County, Mississippi.

8. As demonstrated above, Inline has satisfied all of the requirements for removal prescribed by 28 U.S.C. §§ 1441 and 1446, as well as Local Uniform Civil Rule 5(b). If any question arises as to the propriety of the removal of this action, Inline respectfully requests the opportunity to present a brief and oral argument in further support of this notice of removal.

**WHEREFORE**, Inline respectfully requests the Court to accept removal jurisdiction over this action and to enter such orders as may be appropriate to effect the removal of this action from the Chancery Court of the First Judicial District, Jones County, Mississippi, to the United States District Court for the Southern District of Mississippi, Eastern Division.

This, the 27<sup>th</sup> day of March, 2015.

  
Mark A. Nelson (MB 3808)

**OF COUNSEL:**

MARK A. NELSON  
**NELSON TOUCHSTONE PLLC**  
18 Bellegrass Boulevard  
Hattiesburg, Mississippi 39402  
Telephone Number: (601) 602-6031  
Facsimile Number: (601) 602-3251  
Email: [mark@nelsontouchstone.com](mailto:mark@nelsontouchstone.com)

**Attorneys for defendant Inline Electric  
Supply Company, Inc.**

### CERTIFICATE OF SERVICE

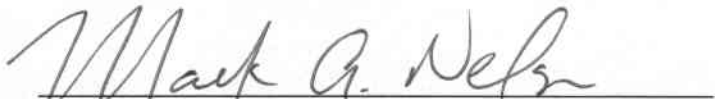
I hereby certify that a copy of the foregoing has been served upon the following by depositing a copy in the United States Mail, first class, postage prepaid, addressed to them this the 27 day of March, 2015.

RICHARD L. YODER  
RICHARD LEWIS YODER, JR.  
**GILCHRIST SUMRALL YODER &  
BOONE, PLLC**  
Trustmark Bank Building  
415 North Magnolia Street,  
Suite 400  
P.O. Box 106  
Laurel, Mississippi 39441-0106  
Telephone Number: (601) 649-3351  
Email: [rly@laurellaw.com](mailto:rly@laurellaw.com)  
[lewyoder@laurellaw.com](mailto:lewyoder@laurellaw.com)

WILLIAM I. GAULT, JR.  
**LAW OFFICES OF  
WILLIAM I. GAULT, JR., PLLC**  
741 Avignon Drive, Suite A  
Ridgeland, Mississippi 39157  
P.O. Box 12314  
Jackson, Mississippi 39236  
Telephone: (601) 983-2255  
Email: [bgault@billgaultlaw.com](mailto:bgault@billgaultlaw.com)

C. GREGORY BURGESS  
TRACY A. MARION  
LAUREN A. SMITH  
**LANIER FORD SHAVER & PAYNE  
P.C.**  
P. O. Box 2087  
Huntsville, Alabama 35804  
Telephone Number: (256) 535-1100  
Facsimile Number: (256) 533-9322  
Email: [cgb@lanierford.com](mailto:cgb@lanierford.com)  
[tam@lanierford.com](mailto:tam@lanierford.com)  
[las@lanierford.com](mailto:las@lanierford.com)

(Applications for Admission *Pro Hac Vice*  
pending)

  
Mark A. Nelson